

Before the Board of Supervisors County of Placer, State of California

In the matter of:

An ordinance to repeal and replace Chapter 9, Article 9.33 of the Placer County Code to regulate fireworks (Fireworks Display Ordinance)

Ordinance No.: 6140-B

Introduced: May 24, 2022

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on June 14, 2022, by the following vote:

Ayes: GORE, WEYGANDT, HOLMES, JONES, GUSTAFSON

Noes: NONE

Absent: NONE

Signed and approved by me after its passage.


Chair, Board of Supervisors

Attest:

Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Whereas, the Board has determined that Article 9.33 of Placer County Code, which regulates fireworks, should be amended to transition permit processing from Risk Management on behalf of the Office of Emergency Services, to the Community Development Resources Agency; and

Whereas, amendments to Article 9.33 are minor in nature and include modifications related to permitting authority and public noticing responsibilities, water-based fireworks requirements, increased lead-time for application submittals; and

Whereas, the County conducted outreach to key stakeholders regarding the amendments to Article 9.33, including all former permit holders, business associations, and fire districts; and

Whereas, the proposed ordinance to repeal and replace Placer County Code, Chapter 9, Article 9.33 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061 (b)(3) and 15378.

**NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER,
ORDAINS AS FOLLOWS:**

Section 1. Placer County Code Chapter 9, Article 9.33 is hereby repealed in its entirety and replaced with Placer County Code Chapter 9, Article 9.33 as set forth in Exhibit 1, which is attached hereto and incorporated herein by reference.

Section 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

Article 9.33 FIREWORKS DISPLAY PERMITS

9.33.010 Purpose.

The purpose of this article is to:

Define the rules and permitting process for performance of a public fireworks display in compliance with the Placer County Code and the laws of the state of California.

9.33.020 Definitions.

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise. Terms expressed in the singular shall be construed to incorporate the plural, and vice versa, unless the context otherwise requires.

“Agency” means the community development resource agency.

“Agency Director” means the community development resource agency director or their designee for the purposes of this article.

“Fireworks” shall have the same meaning as set forth in California Health and Safety code section 12511, as that section may be amended from time to time.

“Dangerous fireworks” shall have the same meaning as set forth in California Health and Safety Code section 12505, as that section may be amended from time to time.

“Nonprofit or charitable organization” means an organization exempt from the payment of bank and corporation taxes under the provisions of the California Revenue and Taxation Code Section 23701 or an organization to which a contribution or gift would be a charitable contribution under Internal Revenue Service regulations.

“Permit” means any nontransferable authorization granted by the Agency Director or their designee.

“Permit holder” means an organization or person that is issued a permit pursuant to this article.

“Public display of fireworks” is an entertainment event where the public or private guests are admitted or permitted to view the display or discharge of fireworks defined as dangerous by California Health and Safety Code section 12505. Public displays of fireworks shall be special events for purposes of Placer County Code section 9.36.080.

“Water-based fireworks” means fireworks launched from or over a body of water within unincorporated Placer County, including Lake Tahoe.

9.33.030 General prohibition.

No person shall use, discharge or possess any fireworks, as defined in Sections 12505 or 12529 of the State Health and Safety Code, within the unincorporated territory of the county, unless issued a permit pursuant to this article.

9.33.040 Permitted public displays.

A. The prohibition in Section 9.33.030 shall not apply to any person engaged in the preparation for or performance of a public fireworks display authorized by a Fireworks Display Event permit issued by the Agency Director or their designee in advance and in full compliance with the conditions or restrictions contained in such permit.

B. All permits authorizing public fireworks displays must be issued in compliance with the following limitations:

1. An authorized public fireworks display shall be no more than thirty (30) minutes in cumulative duration. The thirty-minute (30) cumulative duration shall not include safety related suspensions in the display.

2. Authorized public fireworks displays shall be permissible at a time authorized by the Agency Director in each permit. However, the Agency Director shall not authorize any fireworks displays between the hours of 12 a.m. and 8 a. m., except for fireworks displays on January 1st of any given year, where the Agency Director shall not authorize any fireworks displays between the hours of 1 a.m. and 8 a.m. The permit shall specify the time and duration authorized for a public fireworks display. Under no circumstances are public fireworks displays permitted between the hours of 12 a.m. and 8 a.m. except for January 1st when fireworks are permitted between the hour of 12 a.m. and 1 a.m.

9.33.050 Required application contents.

A. Applications for a permit to conduct a public fireworks display shall be submitted by the sponsoring person or organization. Applications may also be submitted jointly by sponsoring person or organization and the public display license holder retained to perform the fireworks display.

B. Applications for a permit under this article shall include the following:

1. Application
2. Fireworks Questionnaire which shall include the following:
 - a. The name of the organization sponsoring the display, together with the names and license numbers of the pyrotechnic operator(s) performing the fireworks display, contact information, and certification requirements.
 - b. Expected number of attendees, open to public or private party
 - c. The date and time of day the display is to be held and duration of event.
 - d. The exact location planned for the display.
 - e. The size and number of all fireworks to be discharged including the number of set pieces, shells, and other items. Shells shall be designated by diameter specifying single, multiple break or salute.
 - f. The manner and place of storage of all fireworks prior to, during, and after the display.
 - g. Site security plan that includes a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines or other overhead obstruction.
 - h. If the permit is for a public display or special effects, documentary proof of conformance with insurance requirements of Health and Safety Code sections 12610 and 12611.
 - i. The name and license number of the wholesaler who supplied all items used in the display.
 - j. General Liability Endorsements from both Sponsor and Pyrotechnic Operator; Indemnification Agreements signed by both Sponsor and Pyrotechnic Operator
 - k. For water-based fireworks:
 - i. Placer County Fireworks Display Permit Best Management Practices Plan for Lake Tahoe water-based fireworks
 - ii. U.S. Coast Guard Marine Events Permit and/or U.S. Bureau of Reclamation approval, if required, for fireworks displays occurring over the waterways within the jurisdiction of the U.S. Coast Guard or U.S. Bureau of Reclamation
 - iii. If fireworks are to be ignited or launched from an offshore platform, drone, or other device not based on land, the details of such operation must be included in the permit application.
3. Fireworks Application Checklist

4. The county may request additional information as needed to consider any permit application.
(Ord. 5352-B § 1 (part), 2005)

C. Application fee.

1. The county is authorized to charge a fee to process a permit application pursuant to this article. The fee amount will be established by resolution.
2. The permit application fee must be submitted with the application.
3. Exemption. No permit application fee shall be required of any nonprofit, charitable organization, or public entity, when receipts derived are to be for the benefit of such organization or entity. No permit application fee shall be required when any other entity is the applicant and performs a public display of fireworks where at least twenty-five (25) percent of revenue derived from the fireworks display are appropriated to nonprofit, benevolent purposes. An agreement as to the revenue distribution shall be required to qualify for the exemption.

9.33.060 Submission of permit application.

One original application package as required by Section 9.33.050 shall be filed online or in person with the Community Development Resource Agency per Section 17.56.300. Applications shall be submitted at least 60 days prior to a land-based event or 135 days prior to a water-based event.

9.33.070 Evaluation and approval of permit application.

A. The Agency Director shall review all applications for completeness and accuracy before the applications are accepted as being complete and officially filed. Once complete, applications are reviewed by county staff and, where necessary, by consultants retained by the county. Based upon reviews of the permit application, the Agency Director will issue the permit. If the application is denied, applicants will be notified of the reason(s) and informed of the appeal process.

9.33.080 Conditions of permit.

A. Permits are non-transferable. Permit holders must abide by any and all conditions set forth in the permit as well as county regulations.

B. Public notice shall be given as provided by this section.

1. Notice shall be published at least once in a newspaper of general circulation in the geographical area of the county where the event will be held at least ten days before the event.

2. Additional Notice. The Agency Director may also provide any notice with content or using a distribution method in addition to that required by this section as he or she determines is necessary or desirable.

C. The Agency Director may issue a multi-year permit for any annually recurring fireworks displays that are traditionally conducted as part of national and community celebrations, foster public use and enjoyment and can provide economic benefit for communities. Priority consideration will be given to displays that are linked to community celebrations, are open to and benefit the general public and foster public use and enjoyment within the community that is provided and:

1. The authorized permit is not to exceed a period of three calendar years;
2. Payment of the initial application fee will cover any three-year permit;
3. The applicant identifies the intended dates for the fireworks displays at the time the permit application is submitted. The Agency Director shall allow the applicant to reschedule the permitted fireworks displays at his discretion.
4. The applicant shall annually submit the information required by Section 9.33.050(B) to the Agency Director at least sixty (60) days prior to a land-based event or 135 days prior to a water-based

event along with any updated information. Failure to submit the required information under this section automatically voids the permit.

5. For Lake Tahoe water-based fireworks displays, compliance with the Placer County Fireworks Display Permit Best Management Practices Plan for Lake Tahoe water-based fireworks shall be a condition of the permit.

9.33.090 Appeals.

A. Decisions of the Agency Director may be appealed to the board of supervisors subject to the procedures and provisions of this section.

B. Any appeal must be filed with the clerk of the board of supervisors within ten (10) days of the decision that is the subject of the appeal.

C. Notice of appeal shall be in writing and include all written materials that the applicant desires the appellate body to consider at the appeal hearing. It shall specify the decision or portion of the decision being appealed. It shall include a detailed statement of the factual and/or legal grounds upon which the appeal is being taken and any other information required by the Agency Director.

D. Upon receipt of an appeal in proper form, the clerk of the board of supervisors shall schedule the matter for consideration. The board of supervisors shall commence a public hearing on the appeal within thirty (30) days of its proper filing, or within such other time period as may be mutually agreed upon by the appellant, in writing, and the appeal body, in writing.

9.33.100 Enforcement and penalty.

Any violation of this section shall be a misdemeanor, punishable by either a fine not exceeding two thousand dollars (\$2,000.00) per occurrence, or imprisonment in the county jail for a term not exceeding six months.

The Agency Director may immediately suspend or revoke a permit granted pursuant to this article if the permit holder acts in violation of the permit conditions, applicable county regulations, or for any good cause shown. Formal notice of such action shall be communicated in writing to the permit holder and set forth the reason for the action taken. The affected permit holder may appeal the action as provided for in Section 9.33.090.
